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COMMISSION

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Amy Rein Worth, Vice Chair
Cities of Contra Costa County

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U.S. Department of Housing
and Urban Development

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Cities of Alameda County

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Contra Costa County

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Association of Bay Area Governments

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Jake Mackenzie
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Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

ADMINISTRATION COMMITTEE

March 9, 2011
MINUTES

Attendance

Chair Haggerty called the meeting to order at approximately 10:08 a.m. Committee members present were: Vice Chair Cortese, Commissioners Bates, Cortese, and Kinsey. Commissioners Tissier and Rein-Worth were present as Ex-Officio voting members. Other Commissioners present as ad hoc members of the Committee were: Giacopini, Green, Halsted, Mackenzie, Mullin, Rubin and Sperring.

Item 2: Consent Calendar: It was moved by Commissioner Kinsey to approve the following items on the Consent Calendar and seconded by Vice Chair Cortese. Motion passed unanimously.

Item 2a: Minutes

The Committee received and approved as written the meeting minutes of February 9, 2011.

Item 2b: Monthly Financial Statements

The Committee received the following monthly financial reports for the month of January: Report of Operating Income for FY 2010-11 as of January 2011; Report of Operating Expenditures for FY 2010-11 as of January 2011; Report of Capital Projects for FY 2010-11 as of January 2011; FY 2010-11 Contract Services Disbursement Report for January 2011. For the month of January 2011, the monthly financial report listed eleven (11) purchase orders executed by the Executive Director between \$2,500 and \$55,000.

The Committee also received a comparison of the budget vs. actual plus encumbrance salaries and benefits through January 2011.

Item 2c: Investment Report

The Committee received the Investment Report for the month of January 2011.

Item 2d: Contract Amendment – On-call Public-Private Partnership Consultant Services: Jeffrey Parker & Associates

The Committee authorized the Executive Director or his designee to negotiate and enter into a contract amendment with Jeffrey Parker & Associates to provide consulting or legal services to MTC for services related to the evaluation of opportunities for P3s to assist in the development and implementation of transportation projects throughout the region and the Chief Financial Officer was directed to set aside funds in the maximum amount of \$300,000 for such amendment.

Item 2e: Contract Amendment – Express Lanes Technical Assistance Contract – PB Americas

The Committee that authorized the Executive Director or his designee to negotiate and enter into a contract amendment with PB Americas to provide technical and project management assistance for the development of the Regional Express Lanes network and the Chief Financial Officer was directed to set aside funds in the maximum amount of \$300,000 for such amendment.

Item 3: Contracts – 2013 Sustainable Communities Strategy/Regional Transportation Plan Outreach through Community-Based Organizations

Pam Grove, MTC Legislation Staff, presented a recommendation that the Committee authorize the Executive Director or his designee to negotiate and enter into contracts for an amount of \$5000 each with Causa Justa Just Cause, South Hayward Parish, Youth Radio, Monument Community Partnership, Opportunity West, Grassroots Leadership Network of Marin, Asian, Inc., People Organized to Win Employment Rights/POWER, Housing Leadership Council of San Mateo County, Peninsula Conflict Resolution Center, San Jose Downtown Association, Vietnamese Voluntary Foundation/VIVO, KBBF Radio, and Dixon Family Services for the Community-Based outreach for the 2013 SCS/RTP, and the Chief Financial Officer was directed to set aside funds up to \$70,000 for such contracts.

Commissioner Giacomini inquired if the RFP was advertised to any Disabled Community Based Organizations and Ms. Grove replied that distribution included these organizations and that two proposals were received.

Commissioner Kinsey asked what steps are being taken for further engagement. Ms. Grove responded that as budget allows, MTC hopes to re-contract with each organization 1-2 more times over the next 2 years to reengage them as the SCS/RTP is developed.

The staff recommendation was so moved by Commissioner Kinsey and seconded by Commission Vice Chair Rein-Worth. Motion passed unanimously.

Item 4: Resolution No. 3991 – Bay Area Transit Oriented Affordable Housing Fund: Draft Principles for Funding Agreement with the Low Income Investment Fund (LIIF)

Doug Johnson, MTC Planning staff, requested that the Committee forward MTC Resolution No. 3991 to the Commission for its approval authorizing the Executive Director or his designated representative to negotiate and enter into a funding agreement with the Low Income Investment Fund (LIIF) to establish the affordable housing fund. The resolution includes eleven principles of agreement to be included in the funding agreement. He reported that each of the four conditions outlined in MTC Resolution No. 3940 to join the Great Communities Collaborative (GCC) to establish a fund to advance the development of affordable housing near the region's existing and planned transit stations has been met or exceeded as required.

Vice Chair Cortese expressed concern that by restricting the fund to already approved Priority Development Areas (PDAs), the perception would be that the requirement is overly restrictive.

Mr. Johnson advised that it is a straightforward procedure for cities to designate and name new PDAs through the ABAG process and then route through the Regional Planning Committee. The PDA is not a set list and can change and be updated accordingly.

Item 4: Resolution No. 3991 – Bay Area Transit Oriented Affordable Housing Fund: Draft Principles for Funding Agreement with the Low Income Investment Fund (LIIF) (continued)

Mr. Johnson explained that all funds in the TLC program are eligible to be spent in both planned and potential PDAs. This fund follows the same application process and guidelines to become a Planned or Potential Development Area.

Commissioner Cortese asked if there has been any discussion in regards to using existing housing trusts to further match or seek further leverage of available local funding. Mr. Johnson responded that financial feasibility will be a critical piece, and to the extent that there are already local funds on a project from a trust fund, it is likely that these funds be a good indication of required local commitment.

Commissioner Bates asked about the rate of interest for the loans as most of the land needs to be acquired and needs to be held for a long period of time prior to its development. Mr. Johnson responded that the rate would vary from 5 – 5-1/2% depending on the final rate when the fund is locked down at the end of the month.

Dutch Haarsma, Northern California Community Loan Fund, who represents one of three agencies that will sign on with the Low Income Investment Fund (LIIF) to assist in running the fund, explained that extensive outreach was conducted to the affordable housing development community and commented on the challenge they are facing due to diminishing public investment sources such as redevelopment agency funding. He further explained that this fund tries to mitigate the risks for affordable housing production and secure the land and to have a fairly long term horizon in terms of land acquisition.

Commissioner Kinsey expressed his support for using the funds to invest in housing focused in PDAs, but he is concerned that we are saying investments will only be in PDAs and potential PDAs. He stated that in the SB 375 process, we have a growth opportunity areas concept. PDAs, by current definition, have to have a 100 acre minimum and 15-minute headways on transit. Most suburban communities will never hit the 15-minute headways on transit and it may be very difficult to reach the 100 acre minimum, so he was encouraged to see that this was a part of SB375. In the future, he believes MTC needs to come up with a way not to exclude smaller communities and to think of how this region is going to house its wide range of economic diversity.

Commissioner Spring stated MTC needs to think about a rural strategy as there are areas of opportunity that we should not squander. He asked what will happen to this program if the funds go away.

Mr. Haarsma believes that with diminishing resources, there will be a fundamentally different approach to affordable housing production. Public investment has to happen as there is no other way of doing large scale affordable housing production.

Item 4: Resolution No. 3991 – Bay Area Transit Oriented Affordable Housing Fund: Draft Principles for Funding Agreement with the Low Income Investment Fund (LIIF) (continued)

Commissioner Sperling noted that with shrinking revenues we have to focus on this investment and the need to make sure we don't water down the program to where we don't accomplish anything. Committee Chair Haggerty commented that MTC needs a Suburban Rural Strategy so as not to exclude suburbs.

Commissioner Mackenzie expressed his support for the Resolution.

It was moved by Commissioner Bates and seconded by Commissioner Kinsey to refer Resolution No. 3991 to the Commission for approval, which seeks the Commission's authorization to negotiate and enter into a funding agreement with the Low Income Investment Fund (LIIF), the Fund manager for the Bay Area Transit Oriented Affordable Housing Fund. This motion passed unanimously.

Item 5: Resolution No. 3997 – Contract Authorization for FY 2011-12 Caltrans Environmental Justice and Community-Based Transportation Planning Grants

- i. *National Indian Justice Center: Safe Journeys: Tribal Road Safety Audits (not to exceed \$250,000)*
- ii. *Conference of Minority Transportation Officials (COMPTO): Transportation Action Partnership (not to exceed \$250,000)*
- iii. *California WALKS: One Bay Area SCS 6 Wins Equity Community Engagement Plan (not to exceed \$250,000)*
- iv. *California WALKS: Sustainable Community Pedestrian Volumes to Multimodal Transit (PVMt) Community Engagement Plan (not to exceed \$250,000)*

Lisa Klein, MTC staff, stated that for the FY 2011-12 Caltrans Planning Grants cycle, as the lead applicant, Caltrans requires the Metropolitan Planning Organization (MPO) in each region to apply on behalf of non-profits for the Environmental Justice and Community Based Transportation Planning grant programs. Caltrans requires MTC to adopt a resolution authorizing the agency to enter into a contract with Caltrans, should grants be awarded.

Commissioner Kinsey inquired as to what process was used to review the applications. Ms. Klein responded that the applications were reviewed and noted that in some cases the proposed work touches on initiatives being conducted that are at the regional level, and staff has told applicants that we want to coordinate if applications are successful.

It was moved by Commissioner Kinsey and seconded by Commissioner Bates to refer Resolution No. 3997 to the Commissioner for approval to authorize the Executive Director or his designee to enter into a contract with Caltrans on behalf of the following entities: Safe Journeys: Tribal Road Safety Audits; Transportation Action Partnership; One Bay Area SCS Wins Equity Community Engagement Plan; and Sustainable Community Pedestrian Volumes to Multimodal Transit (PVMt) Community Engagement Plan. This motion passed unanimously.

Item 6: Closed Session

At approximately 10:38 a.m. Committee Chair Haggerty adjourned to closed session pursuant to Government Code Section 54956.9(a) to confer with counsel regarding the following litigation: Sylvia Darensburg, Vivian Hain, Amalgamated Transit Union Local 192 and Communities for a Better Environment, Plaintiffs-Appellants v. Metropolitan Transportation Commission, Defendant-Apellee, United States Court of Appeals for the Ninth Circuit, Case No. 09-15878 (J. Clifford Wallace, John T. Noonan, and Barry G. Silverman, Circuit Judges), on appeal from the U.S. District Court, Northern District, Case No. C-05-01597-EDL (Hon. Elizabeth D. Laporte, Magistrate Judge, Presiding).

Item 7: Open Session

The Committee reconvened in open session at 11:03 a.m. MTC General Counsel Adrienne Weil reported that there was no action taken in closed session.

Item 8: Other Business/Public Comment/Adjourn

There being no further business or public comment, the meeting was adjourned at approximately 11:04 a.m. The next Committee meeting date will be on April 13, 2011 in the Lawrence D. Dahms Auditorium, 101 Eighth Street, Oakland, CA.

